

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

MELANIE R. BLACKWELL,

Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

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3:11-cv-00684-LRH-VPC

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge Valerie P. Cooke (#18<sup>1</sup>) entered on September 14, 2012, recommending denying Plaintiff's Motion for Remand (#12) filed on March 26, 2012, and granting Defendant's Cross-Motion for Summary Judgment (#14) filed on April 25, 2012. Plaintiff filed her Objections to Magistrate Judge's Finding and Recommendation (#21) on October 22, 2012, and Defendant filed his Opposition to Plaintiff's Response to Magistrate Judge's Findings and Recommendation (#22) on November 5, 2012. This action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

The Court has conducted its *de novo* review in this case, has fully considered the objections of the Plaintiff, the response of Defendant, the pleadings and memoranda of the parties and other relevant

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<sup>1</sup>Refers to court's docket number.

1 matters of record pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. The Court agrees  
2 with the Magistrate Judge's findings and conclusions. With regard to the specific objection concerning  
3 the rejection of Dr. O'Connell's opinion, the Court agrees that the Administrative Law Judge's reliance  
4 upon other evidence and the Magistrate Judges's explanation of it supports the rejection. The Court  
5 determines that the Magistrate Judge's Report and Recommendation (#18) entered on September 14,  
6 2012 should be adopted and accepted. Good cause appearing,

7 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#18)  
8 entered on September 14, 2012, is adopted and accepted, and Plaintiff's Motion for Remand (#12) is  
9 DENIED.

10 IT IS FURTHER ORDERED that Defendant's Cross-Motion for Summary Judgment (#14) is  
11 GRANTED.

12 IT IS SO ORDERED.

13 DATED this 6th day of December, 2012.



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15 LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE  
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